

John T. Scott, III
Vice President &
Deputy General Counsel
Regulatory Law



Verizon Wireless
1300 I Street, N.W.
Suite 400 West
Washington, DC 20005

Phone 202 589-3760
Fax 202 589-3750
john.scott@verizonwireless.com

January 22, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation
IB Docket No. 01-185; ET Docket No. 95-18; ET Docket No. 00-258

Dear Ms. Dortch:

The Commission has recently been evaluating the level of interference that introduction of MSS terrestrial operations in the 1990-2025 MHz MSS mobile transmit band would cause into the immediately adjacent Personal Communications Services ("PCS") mobile receive band at 1930-1990 MHz. Verizon Wireless continues to oppose the grant of MSS/ATC rights, but if the Commission chooses to grant MSS licensees the right to deploy terrestrial operations, it must ensure that such mobile transmitters do not cause additional interference to PCS operations. The Commission can accomplish this by ensuring that PCS and MSS/ATC operations are adequately separated in frequency and by adopting an out-of-band emissions ("OOBE") limit prohibiting MSS terrestrial emissions greater than -80 dBm over a 1.23 MHz bandwidth in the PCS mobile receive band.

The significant potential for interference into PCS has been documented in the record, and various solutions have been presented to the Commission. In the face of this record, for the Commission to grant ATC rights without first adopting necessary protections would be unwise, unfortunate, and unlawful.

As the Commission is aware, the PCS industry developed a technical standard to ensure that PCS mobile transmitters do not cause harmful interference into the PCS mobile receive band. The PCS industry came together to adopt an emissions limit more stringent than the Commission's OOBE limit because it believed that the Commission's limit did not provide sufficient protection for PCS operations. As a result, PCS handsets used by Verizon Wireless customers are designed to

keep emissions into the PCS mobile receive band from exceeding -80 dBm.¹ The industry chose to impose this emissions limit upon itself to protect the integrity of PCS operations.

Existing PCS operations deserve at least the same level of protection from services operating in adjoining bands as they afford to each other. However, because the MSS transmit and receive bands are separated by 140 MHz (in contrast to the 20 MHz of separation between PCS transmit and receive bands), the MSS industry does not have to restrict its OOB to protect its own handsets. As a result, the MSS industry lacks market incentives to work with the PCS industry to adopt an OOB standard that would protect PCS receive operations to a greater extent than Commission regulation requires. Therefore, the Commission must step in and adopt a sufficiently stringent OOB limit on MSS terrestrial operations. Failure to do so could degrade PCS services. The Commission must ensure that PCS receivers in the 1930-1990 MHz band are not subjected to higher levels of interference from MSS terrestrial transmitters above 1990 MHz than they receive from PCS transmitters.

Failure to adequately protect PCS receivers from interference by MSS terrestrial operations would run counter to both sound spectrum management policy and the Commission's own precedent. The Commission has long recognized that its "core responsibilities" include "ensuring avoidance of harmful interference among spectrum users."² And the recently released Spectrum Policy Task Force report found that "[s]ufficient interference protection is a necessary and fundamental building block in any spectrum policy."³ This principle also is deeply embedded in the Commission's rules.⁴ The Commission should not forsake it now.

Stringent OOB limits on MSS terrestrial operations would be consistent with Commission precedent in an analogous case in which the Commission was also confronted with the risk of substantial interference between services in adjacent bands. In establishing rules for the Wireless Communications Service ("WCS"), the Commission found that emissions from WCS mobile transmitters would cause substantial interference to adjacent-band mobile Digital Audio Radio Service ("DARS") receivers when the two are in close proximity.⁵ The Commission therefore required that all emissions into the DARS bands from WCS mobile transmitters be attenuated below the transmit power (p) by at least -80 dBm (expressed in the WCS rules as $110 + 10 \log(p)$ dB, where p is given in watts), a comparable limit to the one sought here.⁶ The MSS/ATC case presents an even more compelling case for interference protection, because unlike the WCS/DARS case there are already millions of PCS customers that could be impacted if the Commission fails to adopt sufficiently stringent OOB limits on MSS/ATC operations.

¹ See Technical Standard ANSI/TIA/EIA-95-B. The standard specifies -80 dBm over a 1.23 MHz bandwidth, which is equivalent to -81 dBm over a 1 MHz bandwidth.

² *Promoting the Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets*, WT Docket No. 00-230, *Notice of Proposed Rule Making*, 15 FCC Rcd 24203, 24233 (2000).

³ Spectrum Policy Task Force, ET Docket No. 02-135, Report at 25 (rel. Nov. 15, 2002).

⁴ See, e.g., 47 C.F.R. § 2.102(f) (requiring that stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to allocated services in immediately adjoining frequency bands).

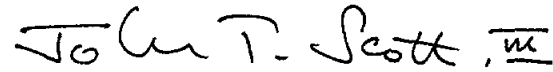
⁵ See *Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service*, GN Docket No. 96-228, *Report and Order*, 12 FCC Rcd 10785 (1997).

⁶ *Id.* at ¶ 136.

In sum, if the Commission decides to award ATC rights to MSS licensees in the band above 1990 MHz, it must also adopt technical rules that would protect PCS mobile receive operations in the immediately adjoining 1930-1990 MHz band.

Pursuant to Section 1.1206(b)(1) of the Commission's Rules, an electronic copy of this letter is being filed for inclusion in the above-referenced dockets.

Sincerely,

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a horizontal line underlining the name.

John. T. Scott III
Vice President and Deputy General Counsel

cc: Bryan Tramont
John Branscome
Sam Feder
Paul Margie
Barry Ohlson
Jennifer Warren
Tom Sugrue
Ed Thomas
Rick Engelman
Bruce Franca
Kathleen Ham
Marty Liebman
Cathy Seidel
Tom Stanley